

KMD:jmr 7640 \Complaint\_8.30.23

STATE OF RHODE ISLAND  
 PROVIDENCE, SC.

SUPERIOR COURT

LOUISE M. MOSKOWITZ as Executrix  
 of the Estate of Joseph J. Palagi

VS.

C.A. NO.

DELAWARE LIFE INSURANCE COMPANY

## COMPLAINT

### I. The Parties

1. The Plaintiff, Louise M. Moskowitz (hereinafter “Mrs. Moskowitz”), is a natural person who resides in the Town of Smithfield, County of Providence, State of Rhode Island. At all times material hereto, Mrs. Moskowitz was and is the duly appointed Executrix of the Estate of Joseph J. Palagi (hereinafter “Mr. Palagi”).

2. The Defendant, Delaware Life Insurance Company (hereinafter “Delaware Life”), is a corporate entity that is in the business of selling various insurance and investment products, including annuities.

### II. The Facts

3. Joseph J. Palagi became deceased on or about July 7, 2022.

4. Prior to Mr. Palagi’s death, he had executed a Last Will and Testament that appointed Mrs. Moskowitz as the executrix of his estate.

5. Following his death, a probate estate was opened in the Town of Pawtucket, County of Providence, State of Rhode Island entitled “*The Estate of Joseph J. Palagi*.” In addition, pursuant to the terms and conditions of the Last Will and Testament referenced in the previous paragraph, Mrs. Moskowitz was appointed as the executrix of the estate.

6. Prior to his death, Mr. Palagi had purchased an annuity with Delaware Life with an approximate death benefit of \$100,000.00.
7. The owner and beneficiary of the annuity was listed as “Uncle Joe’s Limited Partnership Trust.”
8. Upon information and belief, there was never an entity known as the “Uncle Joe’s Limited Partnership Trust” and no such entity exists today. (See Exhibit 1).

**COUNT I**

**Louise M. Moskowitz, as Executrix of the Estate of Joseph J. Palagi v.  
Delaware Life Insurance Company  
Rhode Island Uniform Declaratory Judgment Act-RIGL Section 9-30-1 et. al. / Injunctive  
Relief**

9. The Plaintiff, Louise M. Moskowitz, as Executrix of the Estate of Joseph J. Palagi, repeats and realleges the allegations contained in 1 through 8 as if fully set forth herein.
10. Pursuant to the Rhode Island Uniform Declaratory Judgment Act, found at Rhode Island General Laws §9-30-1, et. al., the Plaintiff, Louise M. Moskowitz, as Executrix of the Estate of Joseph J. Palagi, is entitled to a declaration of the following:
  - A. That the entity known as “Uncle Joe’s Limited Partnership Trust” never existed and does not exist today.
  - B. That when Joseph J. Palagi executed the documents to purchase the annuity with Delaware Life Insurance Company, he listed as the beneficiary the “Uncle Joe’s Limited Partnership Trust” which never existed and does not exist today.
  - C. That as a consequence, the proceeds of the annuity purchased by Joseph J. Palagi, should be payable to Louis M. Moskowitz, as Executrix of the Estate of Joseph J. Palagi and pass pursuant to Joseph J. Palagi’s Last Will and Testament accordingly.

WHEREFORE, the Plaintiff, Louise M. Moskowitz, as Executrix of the Estate of Joseph J. Palagi, prays this Honorable Court to enter judgment in her favor and grant the following relief:

- A. That this Honorable Court find and declare that the entity known as “Uncle Joe’s Limited Partnership Trust” never existed and does not exist today.
- B. That this Honorable Court find and declare that when Joseph J. Palagi executed the documents to purchase the annuity with Delaware Life Insurance Company, he listed as the beneficiary “Uncle Joe’s Limited Partnership Trust” which never existed and doesn’t exist today.
- C. That this Honorable Court find and declare that as a consequence, the proceeds of the annuity purchased by Joseph J. Palagi be payable to Louis M. Moskowitz, as Executrix of the Estate of Joseph J. Palagi and pass pursuant to Joseph J. Palagi’s Last Will and Testament accordingly.
- D. That this Honorable Court find and declare that the Defendant, Delaware Life Insurance Company be required to pay all costs and attorney’s fees incurred by Louis M. Moskowitz, as Executrix of the Estate of Joseph J. Palagi for the prosecution of this action and such other and further relief as this Honorable Court deems just and equitable.

**The Plaintiff, Louis M. Moskowitz, as Executrix of the Estate of Joseph J. Palagi, demands a trial by jury on all counts.**

Plaintiff,  
By her Attorney,

/s/ Kevin M. Daley

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Dated: August 30, 2023